THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 17906 of 2005

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Dated:12.08.2005

Between:

G.Harinadha Reddy, S/o.Subbi Reddy,

Aged about 55 years, R/o.H.No.10-135, Main Road,

Someswaram Village, Rayavaram Mandal,

East Godavari District.

..... PETITIONER

AND

The Secretary Gram Panchayat, Someswaram Village,

Rayavaram Mandal, East Godavari District.

.....RESPONDENT

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THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 17906 of 2005

O R D E R:

This Writ Petition is filed challenging the notice, dated 5.8.2005 issued by the Secretary of Someswaram Gram Panchayat directing the petitioner to remove the shop within 24 hours, situated in house bearing No.10-135, Main Road, Someswaram Village, on the ground that the shop was constructed by encroaching the Government land illegally.

The case of the petitioner is that before issuance of the impugned notice, which is considered to be a final order, no opportunity was given to the petitioner to submit his explanation. According to the petitioner, he has not encroached any Government land as alleged by the respondent. Hence, he sought to set aside the impugned notice.

Heard the learned counsel for the petitioner and learned Standing Counsel for Gram Panchayat.

Having considered the facts and circumstances of the case, I deem it appropriate to dispose of the Writ Petition at the admission stage directing the petitioner to submit his explanation to the impugned notice within a period of one week from the date of receipt of a copy of this order. On receipt of the explanation to be submitted by the petitioner, the respondent is directed to consider the same and pass appropriate orders in accordance with law within a period of six weeks thereafter. Till such time, the respondent is directed not to interfere with the possession of the petitioner or demolish the structures over the land in question.

With the above directions, the Writ Petition is disposed of. No costs.

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(ELIPE DHARMA RAO, J)

Date:12-08-2005

Tsr.